



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 1442B

PERMIT 940

LICENSE 388B

THIS IS TO CERTIFY, That

JAMES L. THOMPSON AND WILMA R. THOMPSON (THROUGH
PREDECESSOR, THE STATE LAND SETTLEMENT BOARD)
11237 EL CAPITAL WAY, BALISCO, CALIFORNIA 95303

HAVE made proof as of AUGUST 31, 1922 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
MERCED RIVER IN MERCED COUNTY

tributary to SAN JOAQUIN RIVER

for the purpose of AGRICULTURAL USE

under Permit 940 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from SEPTEMBER 10, 1919 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed THIRTY-NINE HUNDREDTHS (0.39) CUBIC FOOT PER SECOND, TO BE
DIVERTED FROM ABOUT MAY 1 TO ABOUT OCTOBER 1 OF EACH YEAR. DIVERSIONS UNDER THIS
LICENSE SHALL NOT EXCEED THE RATE OF 1 CUBIC FOOT PER SECOND CONTINUOUS FLOW TO
EACH 80 ACRES OF IRRIGATED LAND. THE EQUIVALENT OF SUCH CONTINUOUS FLOW ALLOWANCE
FOR ANY 30-DAY PERIOD MAY BE DIVERTED IN A SHORTER TIME IF THERE IS NO INTERFERENCE
WITH OTHER VESTED RIGHTS.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 900 FEET AND EAST 650 FEET FROM NW CORNER OF SECTION 8, T6S, R12E,
MDB&M, BEING WITHIN NW1/4 OF NW1/4 OF SAID SECTION 8.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

31.1 ACRES IN LOT 469 OF THE DELHI STATE LAND SETTLEMENT COLONY WITHIN NE1/4 OF
SECTION 7, T6S, R12E, MDB&M.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State; of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State; or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 1442B

PERMIT 940

LICENSE 388B

ORDER ALLOWING CHANGE IN
POINT OF DIVERSION AND AMENDING LICENSE

WHEREAS:

1. License 388B was issued to James L. Thompson and Wilma R. Thompson and was recorded with the County Recorder of Merced County on January 5, 1971 in Volume 1844, Page 512.
2. A petition for change in point of diversion has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
3. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. The condition pertaining to the continuing authority of the Board should be updated to conform to the Standard license term as contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion under this license shall be as follows:

South 1,000 feet and West 1,300 feet from NE corner of Section 7, T6S, R12E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 7. Also described as California Coordinate System, Zone 3 North 339,600 and East 1,945,400.

2. The following term replaces the Board continuing authority term:

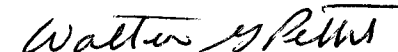
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: **SEPTEMBER 19 1988**


Walter G. Pettit, Chief
Division of Water Rights